REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-2 and 4-20 have been rejected. No claims have been amended. Applicants respectfully request reconsideration of the application in view of the following remarks.

Discussion of Rejection of Claims 1-2 and 4-20 under 35 U.S.C. § 103(a)

In Section 8 of the Office Action, pending Claims 1-2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,954,796 to McCarty et al. in view of U.S. Patent No. 5,784,555 to Stone. In Section 13 of the Office Action, pending Claims 4-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,954,796 to McCarty et al. in view of U.S. Patent No. 5,784,555 to Stone, as applied to Claim 1, and further in view of APA (Admitted Prior Art).

As will be fully explained below, the combination of McCarty et al. in view of Stone and the combination of McCarty et al. in view of Stone, as applied to Claim 1, and further in view of APA do not raise a *prima facie* case of obviousness against independent Claims 1, 7 and 16.

The Examiner's rejection is respectfully traversed. First, as acknowledged by the Examiner, McCarty et al. do not teach or suggest an Operating System Module (OSM) code segment which is configured to directly alter a Fiber Channel (FC) attribute without translating the modification request into Fibre Channel commands to facilitate the alteration of the Fibre Channel attribute value, as recited in the claimed invention (*see* Office Action mailed December 30, 2005 at Section 10, "McCarty does not explicit[ly] teach the term 'alter

the attribute of [the] controller without the modification request being translated into Fibre Channel commands'").

Second, the Examiner asserts that Stone teaches these elements missing from McCarty et al. (*see* Office Action mailed December 30, 2005 at Section 10, "Stone teaches [that] the code segment is configured to directly alter the attribute value without translating the modification request into Fibre Channel commands to facilitate the alteration of the attribute value without translating the modification request into Fibre Channel commands to facilitate the alteration of the attribute"). The Examiner further asserts that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of McCarty and Stone because Stone's [sic] code segment is configured to directly alter the attribute value without translating the modification request into Fibre Channel commands to facilitate the alteration of the attribute [sic] [to] improve the efficiency of McCarty's system by allowing the automated process and system to correct the configuration at the time of use to prevent failure of the Internet connection or unknown risk to security" (*see* Office Action mailed December 30, 2005 at Section 11).

Applicants respectfully disagree with the Examiner's characterization of Stone. Stone does not teach or suggest an OS (or OSM) altering, in any manner, an attribute value associated with a Fibre Channel controller or a controller of any kind. Rather, Stone teaches "binding" (or linking) a device driver module, contained within an OS, to a protocol module, also contained within the OS, by setting system registry entries associated with the device driver module which link the device driver module to the protocol module so that the two modules can interface and interoperate together.

Specifically, Stone teaches a network software architecture that is part of a Windows 95 OS and that is provided to facilitate an automated process for configuring a computer to

connect to the Internet (*see* column 2, lines 15-51; column 4, lines 55-57). Stone next teaches

that the network software architecture is layered (*see* column 4, line 58 – column 5, line 2)

and includes, in one layer, network protocol modules 60,61 which define how a computer

will communicate on a network (*see* column 6, lines 15-21) and, in another layer, network

device driver modules 64,65 which control respective network devices 54,55 (*see* column 6,

lines 56-62).

Stone further teaches, reading the portions of Stone cited by the Examiner, a system

registry (database) that is used by the OS to store hardware and software configuration

information (*see* column 8, lines 21-25) and "binding" a network protocol module 60,61 to a

network device driver module 64,65 by "setting entries in a system registry associated with

the device drivers 54-55" (*see* column 9, lines 42-45) where "binding" is defined by Stone as

"linking together software components (e.g. the network protocols 60-61 with the network

device drivers 64-65) so that the components can interface and interoperate, such as by

creating a reference for one component to the other in a system registry or the like" (*see*

column 7, lines 9-15). Therefore, since Stone does not teach the OS being able to directly

alter or access the Fiber Channel information structure associated with the Fiber Channel

devices or any other devices, Stone cannot reasonably be considered to teach or suggest the

operating system dependent code module directly modifying or accessing Fibre Channel

attributes without translation into Fibre Channel commands, as defined in independent

Claims 1, 7, and 16.

To establish a *prima facie* case of obviousness, the prior art references must teach or

suggest all the claim limitations. Here, in view of the incorrect characterization of Stone the

references as combined do not teach all the features of the claimed invention. Accordingly,

for the above-stated reasons, Applicants submit that independent Claims 1, 7, and 16 are

patentable under 35 U.S.C. § 103(a) over McCarty et al. in view of Stone and further in view of APA. Claims 2, 4-6, 8-15, and 17-20, each of which depends directly or indirectly from independent Claims 1, 7, and 16, are likewise patentable under 35 U.S.C § 103(a) over McCarty et al. in view of Stone and further in view of APA for at least the same reasons set forth for independent Claims 1, 7, and 16. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection for all pending Claims 1-2 and 4-20.
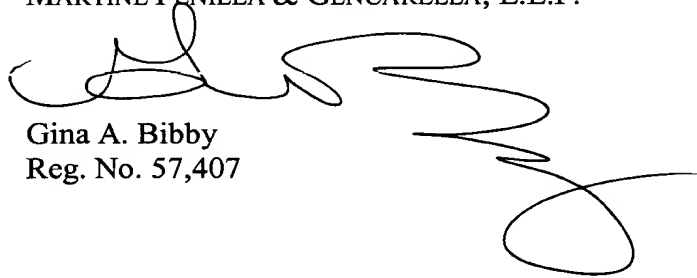
Moreover, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Here, in view of the incorrect characterization of Stone, the rejection has also failed to suggest the desirability of the combination (*In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990)) (*see also* MPEP §2143.03 "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination"). As discussed above, Stone does *not* teach altering or accessing the attribute of a controller. As a result, the combination is not desirable since the combination does not improve the efficiency of McCarty et al.'s system by avoiding the use of Fibre Channel commands to alter or access the attribute of a controller.

Accordingly, for the above-stated reasons, Applicants submit that independent Claims 1, 7, and 16 are patentable under 35 U.S.C. § 103(a) over McCarty et al. in view of Stone and further in view of APA. Claims 2, 4-6, 8-15, and 17-20, each of which depends directly or indirectly from independent Claims 1, 7, and 16, are likewise patentable under 35 U.S.C § 103(a) over McCarty et al. in view of Stone and further in view of APA for at least the same reasons set forth for independent Claims 1, 7, and 16. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection for all pending Claims 1-2 and 4-20.

CONCLUSION

In view of the foregoing, the Applicants respectfully submit that all the pending

Claims 1-2 and 4-20 are in condition for allowance. Accordingly, a Notice of Allowance is

respectfully requested. If the Examiner has any questions concerning the present amendment,

the Examiner is requested to contact the undersigned at (408) 749-6920. If any additional

fees are due in connection with filing this amendment, the Commissioner is also authorized to

charge Deposit Account No. 50-0805 (Order No. ADAPP169). A duplicate copy of the

transmittal is enclosed for this purpose.

Respectfully submitted,
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